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FROM: **Jacquelyn Campbell**

RE: **Submission of Prior Art under 35 USC Sec. 301**

CLIENT/MATTER NO.: 100745.0024	NUMBER OF PAGES, INCLUDING COVER: 17

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PTO/SB/21 (09-04)

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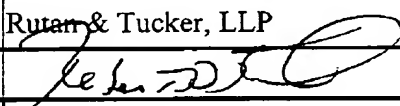
Total Number of Pages in This Submission

Application Number	10/729,330
Filing Date	December 4, 2003
First Named Inventor	Cameron A. Riddell
Art Unit	3643
Examiner Name	Unknown
Attorney Docket Number	

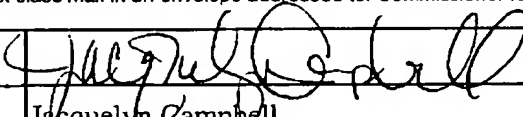
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Remarks _____		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Rutan & Tucker, LLP		
Signature			
Printed name	Robert D. Fish		
Date	April 3, 2007	Reg. No.	33880

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Signature			
Typed or printed name	Jacquelyn Campbell	Date	4/3/2007

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231

Inventor: Cameron A. Riddell
Serial No: 10/729330
Filed: Dec. 4, 2003
For: Electric Deterrent Device

Examiner: Baisa, Joselito Sasis
Art Unit: 3643

5TH SUBMISSION OF PRIOR ART UNDER 35 U.S.C. 301

The applicant recently filed a paper attempting in part to distinguish the cited art on the following grounds:

Only one of the newly cited prior art is even intended as a bird or pest deterrent (WO 84/04022), and that one discloses only "flat metal ribbons" attached either directly to the boat surface, or in the case of a metal boat surface, to rubber ribbons that are then attached to the boat surface. Obviously, the boat surface is not flexible, and sewing is of course not described or suggested as an attachment method.

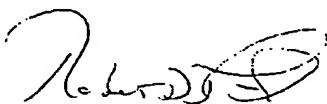
(emphasis added). That statement is entirely incorrect. The '022 publication (page 5, lines 3-18) expressly teaches the use of (a) metal braid that (b) is flexible.

Although in most instances the ribbon of conductors 19 and 20, or conductor 19 alone, will be permanently attached to the deck 21, it may be instead affixed upon a plastics sheeting which can be laid out and recovered as desired. Also whether conductors 19 and 20 are supported directly upon the deck 21 or the plastics sheeting, at least one of the conductors 19, 20 may be supported in a raised (or shielded) position to minimise any shorting effect which might be created by the presence of dew or rain. Furthermore, connection from the output terminals 15 of the control 10 to the conductors 19 and 20 is via clamps or even a stud fastener (not shown), while each conductor 19 and 20 may be a flexible metal braid, of the type known as "Monel" mesh sewn to the insulating layer, or may be a metallised plastics tape.

Claim 3 even recites that the flexible metal braid can (c) be sewn onto the insulating layer.

3. A device According to claim 2, wherein said insulating layer is a strip coated on its underside with a pressure-sensitive adhesive for fixing to said surface 4. A device according to claim 2 or 3, wherein said pair of conduction leads are parallel lengths of flexible metal braid sewn onto said insulating layer.

A copy of the WO 84/04022 is attached.

By: 
Robert D. Fish
Reg. no. 33,880